IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4035 of 2007()

CRIME NO.244/07 OF PAYYANNUR POLICE STATION

.....

PETITIONER/ACCUSED (PRESENTLY IN CUSTODY)

SHIJU P.C., AGED 27 YEARS,
S/O. LATE A.V.KANNAN, CHEPPANOOL, MUYYAM,
KANNUR.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.C.ANIL KUMAR
SRI.G.SUDHEER

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, PAYYANURU POLICE STATION,
KANNUR, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 4035 of 2007

- -

Dated this the 5th day of July, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 399 I.P.C. and also under the provisions of the Arms Act. He was arrested and continues in custody from 9.6.2007. He is the first accused. Altogether there are six accused persons.

2. The crux of the allegations against the petitioner is that he was one of the six persons, who were found to be present in a Maruti Omni van under suspicious circumstances armed with dangerous weapons, unable to account for possession of such weapons. The learned counsel for the petitioner submits that the petitioner has absolutely no criminal antecedents. He is a driver by profession and his presence in the vehicle cannot in any way attribute any culpable intention, which he shared with the other occupants of the vehicle. The learned counsel also submits that accused 2 and 3 have already been granted bail by the learned Sessions Judge.

3. The learned Prosecutor opposes the application. But in reply to a pointed query he concedes that accused 2 and 3 have

already been released on bail. It is specifically conceded that the prosecution has no case that the petitioner is involved in any earlier incidents of criminal conduct.

4. Having considered all the relevant inputs, including the period of detention and the admitted fact that the petitioner had no criminal antecedents, I am satisfied that the petitioner can be released on bail, subject to appropriate terms and conditions.

5. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays until further orders.

© The petitioner shall not leave the jurisdiction of Payyannur police station until further orders without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

tm